Supreme Court, U.S.
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No. _____

In The

Supreme Court of the United States

October Term, 1998

PHILLIP A. DAVIDSON, PRO SE,

Petitioner,

v.

SUSAN HUBBARD, ET AL.,

Respondent.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The First Circuit

PETITION FOR WRIT OF CERTIORARI

Phillip A. Davidson, *Pro Se*
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56 pp

QUESTION(S) PRESENTED

1. DOES THE ROOKER-FELDMAN DOCTRINE 263(US) 413-416(1923) AND FELDMAN 460(US)-462-476-482-486 (1983) HAVE JURISDICTION OVER AN APPEAL TO FEDERAL DISTRICT COURT, AND SUPERCEDE ARTICLE Vi, SCHLESINGER V. COUNCILMAN 420-(US)-738-756, "STATE RESPONSIBILITY TO ENFORCE INDIVIDUALS FEDERAL RIGHTS IN STATE COURTS".

2. IS IT UNCONSTITUTIONAL FOR THE EXECUTIVE/LEGISLATIVE BRANCH OF FEDERAL GOVERNMENT TO GRANT PERMISSION TO STATES TO PASS A TWIN BILL, TO A FEDERAL BILL/OR LAW, WITH THE FEDERAL GOVT. HOLDING SUPERVISORY, AND ADMINISTRATIVE CONTROL OF THE BILL OR LAW. (CHILD SUPPORT LAW OF 1994)

3. CAN THE CHILD SUPPORT LAW OF 1994 GRANT THE PAYING PARENT A $19,160.00 DOLLAR DEDUCTION, USING THIS AS A FLOOR, WHERE THE PARENT STARTS HIS PERCENTAGE OF GROSS PAYMENTS, AND NOT GRANT THE PAYING PARENT THE SAME.

4. CAN WELFARE RECEIVING PARENTS COLLECT THE VERY SAME WEEKLY CHILD SUPPORT AMOUNTS, AND $19,160.00 DEDUCTION AS THOSE UNDER THE 1994 CHILD SUPPORT LAW.

5. CAN THE STATE/FEDERAL GOVT. BRAND PAYING PARENTS "DEAD BEATS" TO CREATE A SUSPECT CLASS TO FOSTER ABUSE BY ALL GOVT. AGENCIES OR COURTS.

6. CAN A JUDGE ACCEPT VERBAL EVIDENCE FROM A LAWYER,WITH COMPLICITY FROM A STATE

QUESTION(S) PRESENTED – Continued

AGENCY IN A TRIAL, OR HEARING, BUT DENY THE DEFENDANT TO SUBMIT CREDIBLE DOCUMENTED EVIDENCE.

7. CAN A STATE COURT JUDGE SENTENCE A DEFENDANT TO JAIL, AND ORDER DEFENDANT TO PAY ALLEGED AMOUNTS OF ARREARAGE ALLEGEDLY OWED, WHILE DENYING DEFENDANT THE RIGHT TO SUBMIT DOCUMENTED EVIDENCE.

8. CAN A STATE APPEALS COURT FAIL TO OVERTURN A DEFENDANT'S APPEAL, WHEN THE APPEALS COURT AGREES THE ALLEGED MONEYS IS NOT CORRECT.

9. CAN A STATE OFFICIAL, LAWYER, AND JUDGE COERCE A DEFENDANT TO SIGN A DOCUMENT TO INCREASE HIS CHILD SUPPORT PAYMENTS THREE FOLD, AND GIVE UP HIS RIGHTS UNDER THE SAME LAW HE IS TRIED UNDER TO MODIFICATION DURING HARD TIMES/UNEMPLOYMENT.

10. CAN A STATE APPEALS COURT IGNORE A FACTUAL DOCUMENT BY A JUDICIAL CONDUCT COMM. AGREEING WITH THE DEFENDANTS CAUSE "HE WAS DENIED THE RIGHT TO SUBMIT EVIDENCE"

11. CAN A STATE APPEALS COURT NOT RULE ON A DEFENDANTS CHARGE OF CRUEL AND UNUSUAL PUNISHMENT IN THE SAME JAIL THAT THE DEFENDANT IS INMATED, BECAUSE THAT SAME JAIL IS IN CONTEMPT OF FEDERAL COURT ORDERS TO END OVERCROWDING.

LIST OF PARTIES

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix A to the petition and is unpublished.

The opinion of the United States district court appears at Appendix A to the petition and is unpublished.

For cases from **state courts:**

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is unpublished.

The opinion of the MASS. APPEALS COURT court appears at Appendix B to the petition and is unpublished.

JURISDICTION

For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was JULY 30, 1998 APPENDIX A.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: SEPT. 4, 1998, and a copy of the order denying rehearing appears at Appendix A.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

For cases from **state courts:**

The date on which the highest state court decided my case was MAY 16, 1997. A copy of that decision appears at Appendix B.

A timely petition for rehearing was thereafter denied on the following date: JUNE 25, 1997-JULY 8, 1997 and a copy of the order denying rehearing appears at Appendix B.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

4TH AMENDMENT COERCION ..... PETITION #4

6TH AMENDMENT RIGHT TO SUBMIT EVIDENCE ON OWN BEHALF, AND BE INFORMED OF CHARGES AGAINST ME (DOCUMENTED) BEFORE TRIAL..... PETITION #6

8TH AMENDMENT WRONGFUL IMPRISONMENT, EXTORTION BY JUDGE 24 HR. LOCKDOWN, CRUEL AND UNUSUAL TREATMENT

DISCRIMINATED AGAINST BY STATE OFFICIALS/FEDERAL OFFICIALS, NO STATE OFFICIAL SERVED JAIL TIME FOR CONTEMPT OF COURT AS I DID 14TH AMENDMENT .....PETITION #7 & 8

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STATEMENT OF THE CASE

I, PHILLIP A. DAVIDSON, PRO SE, HEREBY APPEAL TO THIS UNITED STATES SUPREME COURT UNDER THE CERTIORARI STATUTES, 28 U.S.C. 1254(1), AND 28 U.S.C. 1257(a).

WE MUST BEGIN THIS THREE AND A HALF YEAR ORDEAL ON MAY 11, 1994 IN THE LOWER STATE COURT, THE PROBATE COURT OF SALEM (ESSEX) MASSACHUSETTS, 36 FEDERAL ST. SALEM MASS. 01970, JUDGE EDWARD ROCKET PRESIDING, LAWYER SUSAN HUBBARD OF EVANS & EVANS P.C., 58 MAIN ST. TOPSFIELD (ESSEX) MASSACHUSETTS, 01983, ATTORNEY FOR MY EX-SPOUSE, JOANNE RABOT, AND THE STATE OF MASSACHUSETTS SITE MANAGER FOR THE DEPT. OF REVENUE, CHILD SUPPORT

DIVISION, WERE ALL ALSO IN ATTENDANCE AT THIS MODIFICATION OF CHILD SUPPORT PAYMENTS UPGRADE INSTIGATED BY LAWYER HUBBARD.

DURING THE HEARING I WAS COERCED IN SIGNING A DOCUMENT BY THREAT OF JAIL, AND HIGHER PAYMENTS, AND TO FURTHER GIVE UP MY RIGHT TO A MODIFICATION IN LOWER PAYMENTS DUE TO UNEMPLOYMENT SICKNESS, OR ACCIDENT, AS PRESCRIBED BY THE CHILD SUPPORT LAW OF JANUARY 1, 1994. (APP. 17 PARA. #2-#3, APPDX. 2 FOR INFO. AT THE TIME OF THE MAY 11, HEARING) I WAS PAYING $40.00 DOLLARS PER WEEK FOR CHILD SUPPORT, THE NATIONAL STANDARD PAID BY THE U.S. GOVERNMENT FOR CHILD SUPPORT TO WELFARE RECIPIENTS, THE STATE PLAINTIFFS WANTED ME TO AGREE TO A THREE FOLD INCREASE IN CHILD SUPPORT FROM THAT STANDARD AMOUNT, PLUS OTHER RIGHTS, I RESISTED, FOR I KNEW IT WAS WRONG, AND I CITE:

SCHNECKLOTH v. BUSTAMONTE, 412-(US) 218-(1973) IN WHICH THIS SUPREME COURT RULED, "THE GOVERNMENT MUST DEMONSTRATE THAT THE CONSENT WAS IN FACT VOLUNTARILY GIVEN, AND NOT THE RESULT OF DURESS, OR COERCION", AND IN *UNITED STATES v. AGOSTO*, 502F-2ND-612 (1974) 9TH CIRCUIT, FURTHER RULED, "THAT A THREAT BY POLICE TO PROCURE A SEARCH WARRANT, AND IN THE INTERIM GUARD THE PREMISES AMOUNTED TO COERCION". THE READING OF THE APPENDIX APP. 17 #2, AND #3, CANNOT CONSTRUE IN ANY INTELLIGENT MANNER, THE DOCUMENT WAS NOT SIGNED UNDER EXTREME DURESS. JUDGE

ROCKET, THE STATE OFFICIAL, AND LAWYER HUBBARD VIOLATED MY 4TH AMENDMENT (US) RIGHTS ON COERCION.

ON SEPTEMBER 8, 1994 LAWYER HUBBARD FILED A FRAUDULENT COMPLAINT OF CONTEMPT ALLEGING I WAS FOUR WEEKS BEHIND IN CHILD SUPPORT PAYMENTS, WITH SPECIFIC DATES AND A $400.00 TOTAL, IE:, JUNE 6, 1994, JUNE 12, 1994, JUNE 19, 1994, AND JUNE 26, 1994. SEE APP. 19 – PARA. #3 – THE APPLS. CT. JUDGE IN FACT SHOWS THE EXACT EVIDENCE I WAS DENIED TO SUBMIT BY JUDGE ROCKET PROVING I DID NOT OWE THE ARREARAGE AS FILED IN THE SEPT. 8, 1994 CONTEMPT DOCUMENT PROVING THE FILING WAS BOGUS. APP. 14 – PARA. #2

AT THE CONTEMPT TRIAL OF AUGUST 7, 1995, LAWYER HUBBARD DID NOT OFFER THE JUDGE CREDIBLE DOCUMENTED EVIDENCE TO BACK UP HER ALLEGATION, AND FURTHER STATED TO THE JUDGE I WAS ANOTHER "48 WEEKS" BEHIND IN MY CHILD SUPPORT PAYMENTS TO THAT DATE (SEE APP. D #14 PARA #2 1ST PARA IT "APPEARS THE DEFENDENTS ARREARAGE OF $6025.00 MAY HAVE BEEN MISCALCULATED" PROVES THE APPLS. CT KNEW I WAS NOT "48" WEEKS BEHIND), ALSO VERIBLY, AND NO CREDIBLE DOCUMENTED EVIDENCE TO BACK HER ALLEGATIONS UP, AS WELL AS TELLING THE JUDGE I SKIPPED TOWN, WHEN I ONLY MOVED FOUR MILES FROM PEABODY MASS., TO DANVERS MASS. FOR CHEAPER RENT, AND DID IN FACT LEAVE A FORWARDING ADDRESS WITH THE COMPLEX, AND THE U.S. POST OFFICE, (I HAD MONEYS TO BE RETURNED BY THE COMPLEX TO ME) (SEE

APPENDIX #4, AUG. 7, 1995 CONTEMPT TRIAL AND TAPE) THE STATE OFFICIAL FOR THE DEPT. OF REVENUE CONCURRED WITH LAWYER HUBBARD. LAWYER HUBBARD NEVER SUBMITTED ONE SHRED OF DOCUMENTED EVIDENCE TO JUDGE ROCKET, NOR DID THE STATE REVENUE DEPT. AT TRIAL. SEE APPX. #4 TRIAL TAPE, OR THE COURT ON AUGUST 7, 1995 TRIAL ON DOCUMENTARY EVIDENCE IN *GREENE V. McELROY*, 360 U.S. 474-496 (1959) "THE EVIDENCE USED BY THE GOVERNMENTS CASE MUST BE DISCLOSED TO THE INDIVIDUAL SO THAT HE HAS A OPPORTUNITY TO SHOW THAT IT IS UNTRUE, WHILE THIS IS IMPORTANT IN THE CASE OF DOCUMENTARY EVIDENCE, IT IS MORE IMPORTANT WHERE THE EVIDENCE CONSISTS OF TESTIMONY OF INDIVIDUALS WHOSE MEMORY MIGHT BE FAULTY, OR WHO MIGHT BE PERJURERS, OR PERSONS MOTIVATED BY MALICE, VINDICTIVENESS, INTOLERANCE, PREJUDICE, OR JEALOUSY", THE COURT WENT ON TO SAY, "THIS COURT HAS BEEN ZEALOUS TO PROTECT THESE RIGHTS FROM EROSION, IT HAS SPOKEN OUT NOT ONLY IN CRIMINAL CASES, BUT IN ADMINISTRATIVE, AND REGULATORY ACTIONS WERE UNDER SCRUTINY".

REGARDLESS OF THIS LAW, JUDGE ROCKET DENIED ME THE RIGHT NOT ONLY TO VIEW ANY DOCUMENTED EVIDENCE OF LAWYER HUBBARD, AND THE STATE DEPT. OF REVENUES DOCUMENTED EVIDENCE, BUT DENIED ME THE RIGHT TO SUBMIT CREDIBLE DOCUMENTED EVIDENCE PROVING THE CHARGES AGAINST ME WERE FRAUDULENT. (APPENDIX #4 TRIAL TAPE OF AUG. 7, 1995) AND

APPENDIX #24 OFFICIAL LETTER FROM THE STATES OWN JUDICIAL CONDUCT COMM. BACKING UP MY STATEMENT "I WAS DENIED THE RIGHT TO SUBMIT EVIDENCE".

JUDGE ROCKET THEN WRONGFULLY SENTENCED ME TO TEN DAYS IN JAIL, AND ORDERED ME TO PAY THE ENTIRE AMOUNT OF ARREARAGE OF $6025.00 DOLLARS THAT I DID NOT OWE, WHICH AMOUNTED TO EXTORTION (APP. 20) WEBSTERS NEW WORLD COLLEGE DICTIONARY 2ND EDITION CLASSIFIES EXTORTION AS, "THE LEGAL OFFENSE COMMITTED BY A OFFICIAL WHO EXTORTS, MISUSE OF AUTHORITY". THIS CLASSIFICATION FITS JUDGE ROCKETS ACTIONS AGAINST ME TO A TEE.

APPEAL TO MASSACHUSETTS APPEALS COURT 9/15/95

ON SEPT. 15, 1995 I APPEALED THE ENTIRE CASE TO THE MASS. APPEALS COURT IN BOSTON MASS. (APPENDIX B) A TIMELY APPEAL.

I APPEALED MY CASE ON THE VIOLATIONS OF MY FEDERAL RIGHTS UNDER THE 4TH, 6TH, 8TH, AND 14TH AMENDMENTS (US) CONSTITUTION, AND THE UNCONSTITUTIONAL CHILD SUPPORT LAW OF 1994. ARTICLE V OF THE U.S. CONSTITUTION ALSO SUPPORTS MY CASE IN THE ABOVE PARAGRAPH, AND RECENT RULINGS BY THIS COURT IN: THE 1998 RULING ON LINE ITEM VETO, APP. 27.

THE APPEALS COURT DESPITE HAVING THE DOCUMENTED EVIDENCE I SUBMITTED, REFUSED TO OVERTURN THIS CASE. THE APPEALS COURT REFUSED TO PROCURE THE TRIAL TAPE OF AUGUST 7, 1995, WHEN THEIR OWN CLERK REFUSED TO ALLOW ME TO SUBMIT THE TAPE UNTIL THE COURT CALLED FOR IT. (APP. #13 – PARA. #1). I BEG THE COURT TO READ THE REST OF APPENDIX B, PG.#2, TO ASCERTAIN THE DISCRIMINATION AGAINST ME, IN THE COURTS HASTE TO COVER UP ONE OF THEIR OWN, AND CREDIBLE EVIDENCE I SUBMITTED.

I ASK THE COURT TO READ APP. #14 – PARA. #2, AND THE JUDGES STATEMENT(S) IN THE ENTIRE FIRST PARAGRAPH, IN THE PLAINTIFFS RECAP WHICH THE JUDGE ADOPTED (ROCKET), SHOWING THERE WERE NO PAYMENTS FOR JUNE 19, 26, 11, 18, AND STATING "THE DEFENDANT DID NOT OFFER EVIDENCE TO THE CONTRARY", AND YET THE JUDGE STATING MY "NON SPECIFIC ASSERTIONS", WHICH HAPPEN TO BE THE VERY CHECK STUBS THAT I SUBMITTED TO BOTH LOWER & MASS. STATE APPEALS COURT AND WAS PREVENTED BY JUDGE ROCKET TO SUBMIT IN THE AUG. 7, 1995 TRIAL, PROVING WITHOUT DOUBT I HAD INDEED PAID THE JUNE 1994 CHILD SUPPORT PAYMENTS, PROVING LAWYER HUBBARDS CONTEMPT FILE OF SEPT. 8, 1994 A FRAUD. THE REMAINING EVIDENCE I SUBMITTED TO THE APPEALS COURT SPEAK VOLUMES.

THE APPEALS COURT RULED THE ARREARAGE WAS "MISCALCULATED", BUT FAILS TO OVERTURN EVEN AFTER ADMITTING THE EVIDENCE WAS NOT

CORRECT AND IGNORING THE LETTER FROM THE STATE JUDICIAL COMM. (APP. #24)

THE APPEALS COURT HAD LAWYER HUBBARD'S JOURNAL WHICH SHOWED WITHOUT DOUBT SHE LIED IN THE SEPT. 8, 1995 CONTEMPT FILING, AS WELL AS THE OTHER "48 WEEKS MORE BEHIND", YET STILL THE JUDGES DID NOT OVERTURN THIS CASE.

THE APPEALS COURT OF MASS. REFUSED TO RULE ON THE CRUEL AND UNUSUAL TREATMENT OF THE TEN DAY 24 HOUR LOCKDOWN, BECAUSE THE STATE ITSELF WAS IN CONTEMPT OF FEDERAL COURT IN THE OVERCROWDING OF MIDDLETON MASS. JAIL, THE VERY JAIL I WAS IN, AT THE VERY TIME OF THE OVERCROWDING, AND FEDERAL COURT ORDER, YET NO STATE OR JAIL OFFICIAL SERVED ONE SECOND OF JAIL FOR CONTEMPT. IF THE APPEALS COURT RULED ON MY PLEADING OF CRUEL AND UNUSUAL TREATMENT AT THE MIDDLETON MASS. JAIL FACILITY, HEADS WOULD ROLL, AND MY CASE STRENGTHENED.

THE CHILD SUPPORT LAW OF JANUARY 1, 1994 I STATED WAS UNCONSTITUTIONAL AGAINST THE 14TH AMENDMENT SECTION #1 WHICH STATES, "ALL PERSONS BORN, OR NATURALIZED IN THE U.S.A., AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED STATES, AND OF THE STATE WHERE THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES, OF CITIZENS OF THE UNITED STATES, NOR SHALL ANY

STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW, NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS". THIS LAW APPLIES TO ALL U.S. CITIZENS AND NOT JUST TO PEOPLE OF COLOR, AND ALIENS.

THE CHILD SUPPORT LAW OF JANUARY 1, 1994 IS UNCONSTITUTIONAL BECAUSE IT DOES NOT ADHERE TO THE EQUAL TREATMENT STANDARD UNDER THE LAW, IE: THE CHILD SUPPORT LAW GRANTS THE RECEIVING PARENT A $19,160.00 DOLLAR DEDUCTION, BUT NOTHING FOR THE PAYING PARENT. IN FACT THE RECEIVING PARENT IS ALLOWED TO MAKE A FURTHER $20,000.00 DOLLARS BEFORE I WOULD SEE ANY APPRECIABLE DOWNGRADE IN MY PERCENTAGE OF WEEKLY CHILD SUPPORT PAYMENTS.

I PAY $282.00 WEEKLY FOR TWO CHILDREN. MY BASIC TAKE HOME PAY AFTER DEDUCTIONS IS $292.00, OR POVERTY LEVEL, YET THE RECEIVING PARENT GOES INTO MIDDLE CLASS (APPENDIX #23). THIS IS NOT CHILD SUPPORT AS THE PSEUDO STATE/FEDERAL AGENCIES CALL IT. IT IS FORCED ALIMONY UNDER THE GUISE OF CHILD SUPPORT, AND THAT IS UNCONSTITUTIONAL UNDER THE EQUAL RIGHTS, AND PROTECTION OF THE 14TH AMEND. (US), FURTHER, THE U.S. GOVERNMENT WELFARE DEPT. PAYS WELFARE RECIPIENT CHILDREN $40.00 WEEKLY. THE RECEIVING PARENT DOES

NOT RECEIVE THE $19,160.00 DOLLAR DEDUCTION THE RECEIVING PARENT OF THE DEPT. OF REVENUE RECIPIENTS DO, THE GOVERNMENT CANNOT HAVE TWO STANDARDS.

I BELIEVE THE CHILD SUPPORT LAW IS UNCONSTITUTIONAL ALSO BECAUSE NO EXECUTIVE BRANCH, OR AGENTS, OR LEGISLATIVE BRANCH, OR AGENTS, CAN DELEGATE AUTHORITY TO ADJUDICATE CASES OF CHILD SUPPORT NON-PAYMENT, ETC., TO STATE COURTS EVEN IN THE PRESENCE OF A ALLEGED STATE PASSED COMPANION LAW OF THE SAME CHILD SUPPORT LAW, WITH THE FEDERAL GOVERNMENT HOLDING SUPERVISORY, AND ADMINISTRATIVE AUTHORITY (APP. #25-#26). I BELIEVE THIS IS UNCONSTITUTIONAL UNDER THE 9TH, 10TH, AMENDS. (US), AND THIS COURT'S RULINGS ON THE 1998 LINE ITEM VETO ISSUE (APPENDIX #25). I ALSO SHOW THE ALMOST DICTATORSHIP AUTHORITY GIVEN TO THE DEPTS. OF REVENUES NATIONWIDE WHICH IS UNJUST (APP. #27).

I BELIEVE A CONSTITUTIONAL AMENDMENT IS NEEDED BY THE GOVERNMENT "BEFORE ANY FEDERAL AUTHORITY IS DELEGATED TO STATES, OR TO STATE COURTS, OR AGENCIES."

APPEAL TO FEDERAL DISTRICT COURT FIRST CIRCUIT

I FILED AN APPEAL TO FEDERAL DISTRICT COURT BOSTON MASS. ON AUGUST 23, 1997, A TIMELY APPEAL.

THE FEDERAL COURTS DENIED MY CASE (SEE APPENDIX A) CITING THE ROOKER DOCTRINE, 263, (US) 413 (1923), IGNORING THE MULTITUDE OF ABUSES OF MY FEDERAL RIGHTS AS PREVIOUSLY NOTED IN Pg. #3-#11 OF THIS BRIEF. (APP. A-#1-#8)

THE FEDERAL COURTS, LIKE THE DEFENSE FOR THE LOWER STATE COURTS, COMPLETELY IGNORE THE SIXTH ARTICLE OF THE U.S. CONSTITUTION, AND THE U.S. SUPREME COURT REMINDS US IN *SCHLESINGER V. COUNCILMAN*, 420 (US) 738, 756 (1975), "STATE COURTS SHARE WITH FEDERAL COURTS A EQUIVALENT RESPONSIBILITY FOR ENFORCEMENT OF FEDERAL RIGHTS, A RESPONSIBILITY ONE MUST EXPECT THEY WILL CARRY OUT".

THE STATE DID NOT CARRY OUT ITS RESPONSIBILITY TO INSURE MY FEDERAL RIGHTS WERE ENFORCED, AS I EXPOUNDED IN Pg. #3-#11, NOR DID THE FEDERAL COURTS IN THE FIRST DISTRICT, WHO CONCURRED TOTALLY WITH THE STATE COURTS IN MY ABUSE, BY THE VERY FACT ALL THE FIRST CIRCUIT COURTS AGREED WITH THE STATE'S ANEMIC DEFENSE CLAIMING THAT ROOKER COULD COVER UP THE MULTITUDE OF ABUSES OF AN INDIVIDUAL

SEEKING JUSTICE, REMINDING ALL OF THE FURTHER REFERENCE OF THE U.S. SUPREME COURT RULING IN *SCHLESINGER V. COUNCILMAN*, "THE SIGNIFICANCE OF THE REFERENCE IS NOT ITS NOVELTY, BUT THE FACT THAT THE COURT SAW FIT TO STRESS IT".

TO PLACE ROOKER OVER ARTICLE VI IS LIKE TELLING THE CITIZENS OF THIS COUNTRY THE U.S. CONSTITUTION HAS LITTLE VALUE WHEN IT COMES TO THE RIGHTS OF INDIVIDUALS, OR EQUAL RIGHTS TO A FAIR TRIAL, THE RIGHT TO PRESENT EVIDENCE, ETC., THAT A KANGAROO COURT WILL PREVAIL OVER ALL COURTS.

ROOKER WAS NOT MEANT TO OVERRULE A MULTITUDE OF ABUSES OF INDIVIDUALS IN THEIR FEDERAL RIGHTS. IT WAS MEANT THAT ROOKER RULED OVER POSSIBLE SIMPLE GRAY AREAS OF STATE COURT MISTAKES, NOT WHOLESALE EVENTS. THIS THEN GIVES THE FEDERAL COURTS JURISDICTION WHEN INDIVIDUAL RIGHTS ARE ABUSED IN ANY LOWER COURT.

REASONS FOR GRANTING THE PETITION

THE CHILD SUPPORT LAW IS UNCONSTITUTIONAL UNDER THE 14TH AMENDMENT (EQUAL TREATMENT UNDER THE LAW WHICH IS FOR ALL CITIZENS) AND THE RECENT U.S. SUPREME COURT'S RULING OF THE LINE ITEM VETO OF 1998. IN ADDITION, THIS LAW CREATES A SUPER CLASS CITIZEN, THE CHILDREN UNDER THE CHILD SUPPORT LAW,

BY GRANTING THOSE SAME CHILDREN A THREE/ FOUR FOLD INCREASE (AS IN MY CASE) PER CHILD OVER THE $40.00 DOLLAR PER WEEK PAID FOR BY THE U.S. GOVERNMENT TO WELFARE CHILDREN. FURTHER, THE CHILD SUPPORT RECEIVING PARENTS RECEIVE A $19,160 PER ANNUM DEDUCTION TO INCOME, WHILE PAYING PARENT OF THE CHILD SUPPORT RECIPIENT RECEIVES NONE, AS WELL AS THE WELFARE CUSTODIAL PARENT.

THE CHILD SUPPORT LAW CREATES A SUSPECT CLASS CITIZEN BY BRANDING THE PAYING PARENTS "DEAD BEATS", SUBJECTING THEM TO EVERY MANNER OF ABUSE IN THE LEGAL SECTOR, AS MY OWN CASE DENOTES.

THIS CHILD SUPPORT LAW OF 1994, AND THE TWIN, OR COMPANION LAWS AS GRANTED BY THE EXECUTIVE BRANCH/LEGISLATIVE BRANCH, IS UNCONSTITUTIONAL BECAUSE IT GRANTS THE STATES TO PASS A CHILD SUPPORT LAW, BUT RETAINS SUPERVISORY AND ADMINISTRATIVE AUTHORITY OVER THE LAW, AND STATE (APP. #25-#26), AND FURTHER GRANTS MONEY BONUSES TO STATES FOR MONEYS COLLECTED, NEWBORN PATERNITY, COURT ORDERS ETC.

NOW THE COURT CAN UNDERSTAND WHY I RECEIVED SUCH ABUSIVE TREATMENT IN THE STATE COURTS. ANYTHING GOES, THAT'S THE ORDER FROM THE HEALTH AND HUMAN SERVICES, NO PAYING PARENT IS TO WIN HIS/HER CHALLENGE TO THE CHILD SUPPORT LAW, OR AMOUNTS

DECLARED SAID PARENT OWES, RIGHT, OR WRONG. (APP. #25-#26-#29-#30-#31).

THE ABUSES BY GOVERNMENT OFFICIALS, STATE/FEDERAL, UNDER THIS 1994 CHILD SUPPORT LAW, AS WELL AS POLITICIANS, LAWYERS, TO ENHANCE THEIR OWN CAREERS IS LEGION. AGAIN MY OWN CASE, THE CONGRESS OF THIS UNITED STATES WITH THE COMPLICITY OF THE REIGNING CHIEF EXECUTIVE UNDER THE GUISE OF WELFARE REFORM, PASSED A LAW SO UNCONSTITUTIONAL AS TO RANK WITH THE MOST OUTRAGEOUS LAW PASSED BY THE BRITISH IN OUR OWN REVOLUTION, THE TEA ACT OF THE 1770 ERA.

WITHOUT SO MUCH AS A CONGRESSIONAL WHIMPER, OR JUDICATORY CHALLENGE OF ANY COURT, FEDERAL, OR STATE, AND PLACED ALL THE BURDEN ON A SMALL DISFRANCHISED GROUP CALLED "DEAD BEATS".

FINALLY, I ALSO SUBMIT WITH CERTAINTY, THAT WHEN THE FEDERAL DISTRICT COURT ACCEPTED MY CASE FROM STATE COURT, THE FEDERAL COURT ACCEPTED RESPONSIBILITY, AND JURISDICTION OF ALL THE ISSUES AS PUT FORWARD BY ME IN THE NEARLY 100% PERCENT FEDERAL RIGHTS VIOLATIONS IN MY CASE, WHERE ANY FEDERAL COURT WOULD INTERVENE FOR JUSTICE SAKE UNDER THAT SAME U.S. CONSTITUTION THAT I HAVE REFERRED TO SO OFTEN IN ALL MY COURT CASES FROM THE START. ALL COPYS OF EVIDENCE TO LOWER COURTS CANNOT BE REDUCED TO THE $6\frac{1}{8} \times 9\frac{1}{4}$ FORMAT IN MY VERY LIMITED BUDJECT CONSTRAINTS, WE WILL SUBMIT THEM TO THE

COURT IN THE 8½ x 11½ FORMAT PROPERLY BOUND BY THIS PRINTER, IF THE COURT SO WISHES.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/ Phillip A. Davidson
Phillip A. Davidson

PHILLIP A. DAVIDSON
2 Gerrish Pl. Apt. #5
Salem, MA 01970
(978) 825-0006

Date: OCTOBER 26, 1998 ORIGINAL FILE DATE
DECEMBER 18, 1998 EXTENDED FILE DATE
AS PER CLERK OF COURT

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APPENDIX A

UNITED STATES COURT OF APPEALS FOR
THE FIRST CIRCUIT

NO. 98-1209

PHILLIP A. DAVIDSON
PLAINTIFF, APPELLANT
V.
SUSAN HUBBARD , ET AL.,
DEFENDENTS, APPELLEES.

BEFORE

TORRUELLA, CHIEF JUDGE,
COFFIN, SR. CIRCUIT JUDGE,
SELYA, BOUDIN, STHAL, LYNCH, AND LIPEZ,
CIRCUIT JUDGES.

ORDER OF THE COURT

ENTERED: 9/4/98

THE PETITION FOR REHEARING HAVING BEEN DENIED BY THE PANEL OF JUDGES WHO DECIDED THE CASE AND PETITION FOR REHEARING EN BANC HAVING BEEN SUBMITTED TO THE ACTIVE JUDGES OF THIS COURT AND A MAJORITY OF THE JUDGES NOT HAVING VOTED THAT THE CASE BE HEARD EN BANC, IT IS ORDERED THAT THE PETITION FOR

REHEARING AND PETITION FOR REHEARING EN BANC BE DENIED.

BY THE COURT:

PHOEBE MORSE CLERK

BY JANICE M. O'NEIL
DEPUTY CLERK

CC: MSSRS. HAMMONDS, HANKIN, DAVIDSON

UNITED STATES COURT OF APPEALS FOR
THE FIRST CIRCUIT

NO. 98-1209

PHILLIP A. DAVIDSON
PLAINTIFF, APPELLANT
V.
SUSAN HUBBARD ET AL.,
DEFENDENTS, APPELLEES.

BEFORE
TORRUELLA, CHIEF JUDGE,
COFFIN, SR. CIRCUIT JUDGE,
STAHL, CIRCUIT JUDGE

ORDER OF THE COURT
ENTERED: 7/30/98

WE AGREE WITH THE DISTRICT COURT THAT THE APPELLANT'S ACTION IS BARRED BY THE ROOKER DOCTRINE. LOWER FEDERAL COURTS DO NOT HAVE JURISDICTION TO REVIEW STATE COURT DECISIONS IN CIVIL MATTERS. CONSEQUENTLY, THE ORDERS GRANTING THE DEFENDANTS MOTIONS TO DISMISS ARE AFFIRMED.

AFFIRMED.

BY THE COURT
PHOEBE D. MORSE, CLERK
BY: JANICE M. O'NEIL DEPUTY CLERK

CC: MSSRS. DAVIDSON, HAMMONDS, HANKIN

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

PHILLIP A. DAVIDSON

V.

JOANNE RABOT, MASS. DEPT. OF REVENUE,

SHERIFF OF ESSEX COUNTY,

EVANS, & EVANS ET AL.

C. A. NO. 97-11936-RGS

ORDER OF DISMISSAL

DECEMBER 8, 1997

STERNS, DJ.

THIS COURT HAVING ALLOWED DEFENDANTS MOTIONS TO DISMISS,

IT IS HEREBY ORDERED: THE ABOVE CAPTIONED ACTION IS HEREBY DISMISSED.

SO ORDERED

RICHARD G. STEARNS

UNITED STATES
DISTRICT COURT

JUDGE

BY: MARY JOHNSON ROBBINS

DEPUTY CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

JOANNE RABOT, SUSAN C. HUBBARD

MASS. DEPT. OF REVENUE, SHERIFF OF ESSEX COUNTY, EVANS & EVANS, ATTORNEYS AT LAW

PLAINTIFFS[1] (SIC) C A. NO. 97-11936 RGS

V.

PHILLIP A. DAVIDSON

DEFENDENT (SIC)

MOTION TO DISMISS COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION

NOW COME THE DEFENDANTS (SEE FOOTNOTE) SUSAN C. HUBBARD, JOANNE RABOT, AND EVANS AND EVANS, ATTORNEYS AT LAW WHO RESPECTFULLY REQUEST THIS HONORABLE COURT TO DISMISS THE COMPLAINT AGAINST THEM FOR LACK OF SUBJECT MATTER JURISDICTION AS DEFINED UNDER 28 USC 1331,1332, AND PURSUANT TO F.R.C.R. 12(b)(1).

---

[1] A FAIR READING OF THIS PRO SE COMPLAINT SHOWS THAT PHILLIP A. DAVIDSON IS, IN FACT, THE SOLE PLAINTIFF AND THE CO-DEFENDANTS IS SUING ARE INCORRECTLY LISTED AS PLAINTIFFS IN THE CAPTION.

IN SUPPORT OF THIS MOTION, THE DEFENDANTS HEREBY STATE: THAT DAVIDSON'S COMPLAINT RAISES NO FEDERAL QUESTION FOR CONSIDERATION BY THIS COURT,TO WIT:

DAVIDSON ALLEGES VARIOUS DEPRIVATIONS OF HIS CONSTITUTIONAL RIGHTS UNDER THE U.S. CONSTITUTION AMENDS. NO. FOUR, FIVE, SIX, EIGHT, AND FOURTEEN,(SEE VARIOUS PARA. OF DAVIDSONS COMPLAINT). AS PER HIS FOURTEENTH AMEND. CLAIMS(WHICH ALSO ENCOMPASS HIS EIGHTH AMEND. CLAIM VIA THE

* * *

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

PHILLIP A. DAVIDSON

PLAINTIFF

V.

JOANNE RABOT, MASS. DEPT.

OF REVENUE, ET AL.,

DEFENDANTS C.A. 97-11936-RGS

MOTION OF THE DEFENDANT'S MASS. PROBATE COURT, JUDGE EDWARD J. ROCKET AND THE MASS. DEPT. OF REVENUE, TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION.

THE MASS. PROBATE COURT, JUDGE EDWARD J. ROCKET, AND THE MASS. DEPT. OF REVENUE (TOGETHER THE STATE DEFENDANTS) HEREBY MOVE TO DISMISS ALL COUNTS OF THIS ACTION THAT PERTAIN TO THE DEFENDANTS (STATE) FOR LACK OF SUBJECT MATTER JURISDICTION. THIS ACTION IS A SELF DESCRIBED APPEAL FROM A FULLY LITIGATED STATE COURT CHILD SUPPORT PROCEEDING. AS IS MORE FULLY EXPLAINED IN THE ACCOMPANYING MEMORANDUM OF LAW, THE JURISDICTION OF THE LOWER FEDERAL COURTS DOES NOT EXTEND TO APPEALS OF STATE COURT ORDERS. SEE ROOKER V. FIDELITY TRUST COMPANY 263US 413 (1923); DIST. OF COLUMBER COURT OF APPEALS V. FELDMAN 460, U.S. 462, 476, 482, 486, (1983). IN ADDITION, HAVING REACHED AN

ADVERSE RESULT IN STATE COURT,THE (REMAINING PART OF THIS DOCUMENT I NEVER RECEIVED).

APPENDIX B

SUPREME JUDICIAL COURT FOR THE
COMMONWEALTH OF MASSACHUSETTS

1412 COURTHOUSE BOSTON

MASSACHUSETTS 02108 617-557-1020

PHILLIP A. DAVIDSON

2 GERRISH PL. APT. #5

SALEM MASS. 01970

RE: DOCKET NO. FAR-09243

JOANNE RABOT

VS.

PHILLIP A. DAVIDSON

NOTICE OF DENIAL OF F.A.R. APPLICATION

PLEASE TAKE NOTE THAT ON JULY 8, 1997, THE ABOVE CAPTIONED APPLICATION FOR FURTHER APPELLATE REVIEW WAS DENIED.

JEAN M. KENNETT, CLERK

DATED: JULY 8, 1997

TO: SUSAN C. HUBBARD ESQUIRE
PHILLIP A. DAVIDSON

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

95-P-1844

JOANNE RABOT

V.

PHILLIP A. DAVIDSON

ORDER

THE PETITION FOR REHEARING FILED BY THE APPELLANT HAVING BEEN CONSIDERED, IT IS ORDERED THAT THE SAID PETITION BE AND IT IS HEREBY DENIED.

BY THE COURT (KASS, GREENBURG, & FLANNERY JJ.)

ASHLEY AHERN

ASST. CLERK

ENTERED: JUNE 25, 1997

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT FOR THE

COMMONWEALTH AT BOSTON

IN THE CASE NO. 95-P-1844

JOANNE RABOT

V.

PHILLIP A. DAVIDSON

PENDING IN PROBATE & FAMILY COURT FOR THE COUNTY OF ESSEX. ORDERED THAT THE FOLLOWING ENTRY BE MADE IN THE DOCKET:

THIS CASE IS REMANDED TO THE PROBATE AND FAMILY COURT SO THAT THE DEFENDANT MAY HAVE A FURTHER OPPORTUNITY TO MAKE AN EVIDENTIARY SHOWING WITH RESPECT TO THE ARREARAGE OF AUGUST 7, 1995.

IN ALL OTHER RESPECTS, THE JUDGEMENT AND ORDER OF AUGUST 7, 1995 ARE AFFIRMED.

BY THE COURT

NANCY TWEDE FOLY CLERK

DATE: MAY 16, 1997

COMMONWEALTH OF MASSACHUSETTS

10/9/97 APPEALS COURT

95-P-1844

JOANNE RABOT

VS.

PHILLIP A. DAVIDSON

MEMORANDUM AND ORDER PURSUANT TO RULE 1:28

THE DEFENDANT APPEALS FROM AN ORDER OF PROBATE AND FAMILY COURT HOLDING HIM IN CONTEMPT FOR NON-COMPLIANCE WITH THE COURTS ORDER REQUIRING HIM TO MAKE CHILD SUPPORT PAYMENTS. HIS CONTENTIONS ON APPEAL ARE THAT THE CHILD SUPPORT GUIDELINES ARE UNCONSTITUTIONAL, THAT THE TRIAL JUDGE DENIED HIM PROCEDURAL DUE PROCESS OF LAW, AND THAT THE JUDGE'S FINDING ARE UNSUPPORTED BY RECORD EVIDENCE,I.E., ARE CLEARLY ERRONEOUS.[1]

IT WAS ALLEGED AND FOUND THAT THE DEFENDANT FAILED TO COMPLY WITH THE ORDER OF MAY 11, 1994. THAT ORDER INCORPORATED THE PARTIES STIPULATION OF THAT DATE. THE PARTIES AGREED UPON CHILD SUPPORT PAYMENTS IN AN

---

[1] WE STATE THE DEFENDANTS CONTENTIONS CORRECTLY WE BELIEVE, AS WE UNDERSTAND THEM, HE IS PRO SE HERE AND IN THE PROBATE COURT, COUNSELED ONLY BY HIS FATHER WHO IS NOT A LAWYER.

AMOUNT LOWER THAN THE CALCULATIONS OF THE CHILD SUPPORT GUIDELINES, NOT BEING HELD TO THE CHILD SUPPORT GUIDELINES, THE DEFENDANT LACKS STANDING TO CHALLENGE THEM, MASS. ASSO. OF IND. INS. AGENTS AND BROKERS INC. V. COMMISSIONER OF INS 373MASS. 290 293 (1977). OUR REVIEW OF THE DEFENDANTS OTHER CONTENTIONS IS HANDICAPPED BY THE STATE OF THE RECORD ON APPEAL. THERE ARE GAPS IN THE TRANSCRIPT OF AUGUST 7, 1995, HEARING ON CONTEMPT,AND THE DEFENDANT'S REPRESENTATION THAT HE WOULD FURNISH A TAPE RECORDING OF THE HEARING HAS NOT BEEN FULFILLED. HOWEVER THE RECORD THAT WE HAVE SUFFICES FOR THE PRESENT PURPOSES.

IN SEPTEMBER 1994, THE PLAINTIFF BROUGHT HER COMPLAINT FOR CONTEMPT, ALLEGING NONCOMPLIANCE WITH THE ORDER OF MAY 11, 1994. THE MATTER WAS NOT HEARD UNTIL AUGUST OF 1995, HOWEVER, ALLEGEDLY BECAUSE THE DEFENDANT COULD NOT BE LOCATED,(THE DEFENDANT AGREES THAT HE MOVED FROM PEABODY TO DANVERS, BUT HE DENIES HE AVOIDED SERVICE) AT THE HEARING, THE PLAINTIFF ASSERTED THAT THE DEFENDANT WAS SOME FORTY EIGHT WEEKS IN ARREARS, $6,025.00, MATERIALS FROM THE CHILD SUPPORT ENFORCEMENT UNIT OF THE DEPT. OF REVENUE SUPPORT THAT CLAIM. THE DEFENDANT CLAIMED TO HAVE MADE SOME PAYMENTS, BUT VIEWING THE RECORD AS A WHOLE IT IS APPARENT HE IS WAY BEHIND AND THAT THE JUDGE CORRECTLY SO FOUND, THEREFORE, WE AFFIRM THE

FINDING THAT HE WAS IN CONTEMPT FOR NON-COMPLIANCE WITH THE ORDER OF MAY 11, 1994.

ALSO IS AFFIRMED IS THE PART OF THE JUDGE'S ORDER OF AUGUST 7, 1995, REQUIRING THE DEFENDANT TO SERVE WEEKENDS IN JAIL FOR TEN DAYS OR UNTIL HE PURGES THE CONTEMPT. G.L.C. 215, 34B, CF. BARREDA V. BARREDA, 16,MASS. APP. CT. 918,920-921 (1983),COMPARE SALVESEN V. SALVESEN 370 MASS. 608 (1976) (SIMILAR ORDER BUT REVERSED BECAUSE CONTEMNOR SHOWED INABILITY TO PAY ARREARAGES)

ONE PART OF THE ORDER OF AUGUST 7, REQUIRES FURTHER ATTENTION ON REMAND, ON THE BASIS OF THE MATERIALS PRESENTED TO US, IT APPEARS THAT THE AMOUNT OF THE DEFENDANTS ARREARAGE ($6,025.00) MAY HAVE BEEN MISCALCULATED. THE PLAINTIFF'S RECAPITULATION WHICH THE JUDGE ADOPTED, SHOWS THAT THERE WERE NO PAYMENTS FOR JUNE 19 AND 26, SEPTEMBER 11, AND 18, 1994, IT DOES NOT APPEAR THAT THE DEFENDANT OFFERED EVIDENCE TO THE CONTRARY, BEYOND HIS NON-SPECIFIC ASSERTIONS, BUT HE OFFERS AS PART OF HIS RECORD APPENDIX HERE COPIES OF MONEY ORDERS TO THE PLAINTIFF THAT MAY APPLY TO THOSE DATES: #339920,JUNE 15, $60.00, #339633, JUNE 20 $125.00, #341920 JULY 1, $225.00, AND SEPTEMBER 12 $125.00.

THEREFORE, FOLLOWING REMAND, THE PROBATE COURT AND FAMILY COURT SHALL OFFER THE DEFENDANT A FURTHER OPPORTUNITY TO MAKE AN EVIDENTIARY SHOWING WITH RESPECT TO THE

ARREARAGE CALCULATIONS AS OF AUGUST 7, 1995, CF. DOWNING V. DOWNING, 12 MASS. APP. CT. 968,969, (1981).

FINALLY WE HAVE CONSIDERED THE DEFENDANT'S CLAIM THAT HE WAS DENIED A FAIR HEARING. IT APPEARS FROM THE RECORD THAT THE JUDGE VIEWED THE DEFENDANT WITH EXASPERATION AS A CHRONIC DEFAULTER, THERE WAS AMPLE BASIS IN THE RECORD FOR THIS VIEW, AT ONE POINT THE JUDGE SAID TO THE DEFENDANT, "I UNDERSTAND THAT AND I DON'T BELIEVE YOU SIR", I DON'T BELIEVE YOU. THE DEFENDANT BELIEVES THAT THE PROCESS HAS DEALT UNFAIRLY WITH HIM, AND HE EVIDENTLY FEELS STUNG BY THE JUDGE'S MANNER. HOWEVER, HE HAS NOT SHOWN UNFAIRNESS IN THE ADMISSION OF EVIDENCE OR OTHER RULINGS BY THE JUDGE, AND WE SEE NONE.THERE WAS NOT A DENIAL OF DUE PROCESS. SUBJECT TO THE INQUIRY FOLLOWING REMAND DESCRIBED-------

ABOVE, THE JUDGEMENT ORDER IS AFFIRMED.

SO ORDERED,

BY THE COURT (KASS, GREENBURG, AND FLANNERY, JJ)

ENTERED:, MAY 16, 1997

APPENDIX C

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

ESSEX SS 90-D1397-D1

JOANNE RABOT

PLAINTIFF

V.

PHILLIP A. DAVIDSON

DEFENDENT

MODIFICATION JUDGMENT

THIS ACTION CAME ON HEARING BEFORE THE COURT EDWARD J. ROCKET PRESIDING, AND THE ISSUES HAVING BEEN HEARD AND FINDINGS HAVING BEEN DULY RENDERED.

IT IS ORDERED AND ADJUDGED:

THE JUDGMENT OF THE COURT DATED MAY 14, 1994 IS HEREBY MODIFIED IN ACCORDANCE WITH THE STIPULATION OF THE PARTIES FILED ON MAY 11, 1994 WHICH IS INCORPORATED INTO AND MADE A PART OF THIS JUDGMENT AND THE PARTIES SHALL COMPLY WITH THE TERMS THEREOF.

EXCEPT AS HEREIN MODIFIED, THE PRIOR JUDGMENT OF THE COURT IS REAFFIRMED.

DATED: MAY 11, 1994

E. ROCKET

JUSTICE, PROOCE & FAMILY COURT

APPENDIX D

THE COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

PROBATE FAMILY COURT DEPARTMENT

ESSEX COUNTY DIVISION 90-D1397-D1

JOANNE RABOT PLAINTIFF

V.

PHILLIP A. DAVIDSON DEFENDANT

A JUDGMENT MODIFICATION

1. THE PARTIES AGREE THAT THE DEFENDANTS CHILD SUPPORT ORDER SHALL BE MODIFIED TO INCREASE TO $125.00 PER WEEK. THIS AMOUNT SHALL BE PAID DIRECTLY TO THE PLAINTIFF VIA WAGE ASSIGNMENT. 2. IN CONSIDERATION OF THE PLAINTIFF TAKING AN AMOUNT LOWER THAN THE CALCULATIONS OF THE CHILD SUPPORT GUIDELINES, THE DEFENDANTS ORDER SHALL REMAIN CONSTANT DURING TIMES OF UN-EMPLOYMENT, AND EMPLOYMENT. 3. AT THE PRESENT TIME THE PARTIES ACKNOWLEDGE THAT PLAINTIFF IS EMPLOYED, IF HE, BECOMES UNEMPLOYED IN THE FUTURE ALL PARTIES AGREE THAT SUCH CHANGE IN EMPLOYMENT STATUS SHALL NOT, BE A BASIS FOR A CHANGE IN CIRCUMSTANCES TO WARRANT A COMPLAINT FOR MODIFICATION BY DEFENDANT IN HIS CHILD SUPPORT ORDER. 4. THE INCREASED ORDER SHALL BEGIN TO BE PAID ON MAY 13, 1994 AND CONTINUE EACH WEEK THEREAFTER. 5. THE PARTIES AGREE THAT THE DEFENDANT OWES THE

PLAINTIFF $80.00 FOR CHILD SUPPORT FOR THE NEXT----------

PHILLIP A. DAVIDSON PRO SE

JOANNE RABOT
SUSAN HUBBARD

MAY11, 1994

EIGHT WEEKS, HE SHALL PAY THE PLAINTIFF $10.00 EACH WEEK DIRECTLY, SAID AMOUNT SHALL NOT EFFECT THE WAGE UNTIL SOME TIME AS THE CHILD SUPPORT IS TAKEN ASSIGN OUT OF HIS PAY, THE DEFENDANT ACKNOWLEDGES THAT HE SHALL PAY THE PLAINTIFF DIRECTLY. ALL UNTIL FURTHER ORDER OF THE COURT.

JOANNE RABOT

SUSAN HUBBARD

PHILLIP A. DAVIDSON

PRO SE

APPENDIX E

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

PROBATE AND FAMILY COURT

90D-1397-D1

COMPLAINT FOR CONTEMPT

PLAINTIFF - JOANNE RABOT

FILED SEPT. 8, 1994

V.

DEFENDANT - PHILLIP A. DAVIDSON

1) PLAINTIFF WHO RESIDES AT 63 PARSONAGE LANE TOPSFIELD MA. 01983

WAS THE SPOUSE OF DEFENDANT WHO NOW RESIDES AT 44 KEYS DR. PEABODY MASS. 01960.

2) BY JUDGMENT ORDER OF THE COURT, DATED MAY 11, 1994 DEFENDANT WAS ORDERED TO PAY $125.00 WEEKLY

3) DEFENDANT HAS NOT OBEYED THE JUDGMENT AND IS IN ARREARS. THERE REMAINS DUE THE SUM OF $400.00

THE DEFENDANT HAS VIOLATED THE ORDER ON: JUNE 6, 1994, JUNE 12, 1994, JUNE 19, 1994, AND JUNE 26, 1994, BY NOT PAYING THE CHILD SUPPORT ORDER

AUGUST 31, 1994

SUSAN HUBBARD

EVANS & EVANS
58 MAIN ST.
TOPSFIELD MA.01983
508-887-2166

ii. IT IS ORDERED THAT:

A. THE DEFENDANT PAY ---------

B. THE DEFENDANT PAY ---------

C. THE PARTYS SHALL COMPLY ----

D. THE DEFENDANT SHALL REPORT ---

E. THE DEFENDANT SHALL PAY ATTORNEY FEES ------

F. _____

iii. IT IS FURTHER ORDERED:

A. THE DEFENDANT COMMITTED TO JAIL FOR TEN (10) DAYS UNTIL HE SHALL PURGE HIMSELF OF SAID CONTEMPT BY PAYMENT OF $6,025.00, OR UNTIL FURTHER ORDER OF THE COURT, OR UNTIL HE BE OTHERWISE BE DISCHARGED.

B. TO BE SERVED ON WEEKENDS BEGINNING FRIDAY AUGUST 11, 1995 AT 6:00 PM UNTIL SUNDAY EVENING UNTIL 6:00 PM.

DATE: AUGUST 7, 1995

E. ROCKET
JUSTICE OF THE PROBATE AND FAMILY COURT

_____

APPENDIX F

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department
Essex Division **Docket No. 90D 1397-D1**

~~Order~~ – **Judgment on Complaint for Contempt**

filed on September 8, 1994

Joanne Rabot, Plaintiff

v.

Phillip A. Davidson, Defendant

I. After hearing, it is adjudged that the defendant is guilty of contempt of this court for having willfully:

A. [x] neglected and refused to pay child support/~~alimony~~ of $125.00 per week, the arrearage of which is fixed at $6,025.00 as of August 7, 1995.

B. [ ] neglected and refused to pay medical bills of the plaintiff/children in the amount of _____.

C. [ ] neglected and refused to allow the plaintiff visitation with the minor child(ren) _____
_____.

D. [ ] neglected and refused to report to the Family Service Office regarding his/her job seeking efforts.

E. [ ] neglected and refused to pay the attorney fees owed to plaintiff's attorney in the amount of _____.

F. [ ] _____
_____

_____

_____

_____

II. It is ordered that:

A. [ ] the defendant pay _____ toward the arrearage of _____.

B. [ ] the defendant pay _____ weekly/monthly (_____ of which shall be applied against the arrearage).

C. [ ] the parties shall comply with the stipulation dated _____ which is incorporated and merged into this order/judgment.

D. [ ] the defendant shall report in person to the Family Service Office of this Court each and every Friday with evidence of having sought employment from at least _____ employers. The defendant shall provide the Family Service Office with the name, address, and telephone number of the employers and a copy of his/her job application or other proof of having actually applied for work. VIOLATION OF THIS PARAGRAPH SHALL BE DEEMED A CIVIL/CRIMINAL CONTEMPT OF COURT AND MAY SUBJECT THE DEFENDANT TO A JAIL SENTENCE OF UP TO SIX MONTHS.

E. [ ] the defendant shall pay attorney fees in the amount of _____ and the cost of service of process which was necessary on this complaint, to wit, _____.

F. [ ] _____

_____

_____

III. It is further ordered that:

A. [x] the defendant be committed to jail for ten (10) days to be served weekends until he/~~she~~ shall purge him/~~herself~~ of said contempt by payment of $6,025.00 OR until further order of the Court OR until he/~~she~~ be otherwise discharged by due course of law and that a mittimus issue accordingly.

To be served weekends beginning Friday, August 11, 1995, at 6:00 p.m. until Sunday evening at 6:00 p.m.

B. [ ] this sentence be suspended until _____.

C. [ ] this matter will be reviewed in court on _____.

IV. [ ] After hearing, it is adjudged that defendant is not guilty of contempt of this court.

Date August 7, 1995

/s/ C. Rocket
Justice of the Probate and Family Court
Mitt issued 7/8/95

APPENDIX G

The Commonwealth of Massachusetts
COMMISSION ON JUDICIAL CONDUCT
14 BEACON STREET – SUITE 102
BOSTON, MASSACHUSETTS 02108
(617) 725-8050
Fax (617) 248-9938

November 30, 1995

Mr. Phillip Davidson
155 Maple Street, Apt. 2R
Danvers, MA 01923

Re: Complaint No. 95-121

Dear Mr. Davidson:

The Commission on Judicial Conduct has completed its consideration of your complaint against Judge Edward J. Rockett.

Your complaint was investigated by speaking with you, listening to the tape of the court proceeding at issue, and reviewing the judge's response. The Commission voted to dismiss this complaint *while expressing to the judge its concern that he had appeared from the tape to have denied you full right to be heard, for example, by refusing to review any exhibits you offered.*

With that expression of concern to the judge, this complaint has been dismissed.

Sincerely,

/s/ Harry T. Daniels
Harry T. Daniels
Chairman

cc: Hon. Edward J. Rockett

APPENDIX H

[PROVES FEDERAL/STATE CONSPIRING AGAINST CITIZENS WHEN FEDERAL WELFARE FOR CHILDREN IS $40.00 WK. BUT USES THE STATES AS BOUNTY HUNTER TO CHARGE CITIZENS 350% MORE THAN THE COURT PAYS FOR THE SAME CHILD SUPPORT THIS IS UNCONSTITUTIONAL UNDER 14TH AMENDMENT. THIS IS THE GOVERNMENTS VERSION OF WELFARE REFORM, THEY CREATE THE MESS, THEN DUMP IT ON THE BACKS OF CITIZENS AT 350% MORE THAN THEY PAY FOR CHILD.]

THE BOSTON GLOBE • FRIDAY,
SEPTEMBER 19, 1997

Bill aims to boost states' child-support collections

ASSOCIATED PRESS

WASHINGTON – With billions dollars in child support uncollected each year, new legislation is aimed at prodding the states into doing a better job of tracking deadbeats.

The bill, expected to pass quickly in the House, would create a method allocating federal money to aid child-support programs, basing payment on how well states meet various objectives in collecting payments.

"The old incentive system for child-support enforcement just doesn't cut it," said Donna Shalala, the Health

and Human Services secretary, as she endorsed the legislation this week. "It doesn't base rewards on results."

Under the current system, Washington rewards states based on how much money they collect.

The House plan, approved by a subcommittee yesterday, bases payments on how many newborns have paternity established, how many child-support court orders are established, and how much the state collects in current payments and in past-due support. It would also reward cost-effectiveness.

The big loser is California, which would lose about $30 million per year – more than half of what it gets from Washington – if its performance does not improve over three years.

The House Ways and Means Committee is expected to approve the bill next week.

Meanwhile, California and other states face another vexing child-support matter: failure to computerize their collection systems by an Oct. 1 deadline. Current law calls for the Department of Health and Human Services to pull the entire child-support subsidies and welfare block grants of those states. The process would take about six months.

States expected to miss the deadline include California, Hawaii, Illinois, Maryland, Michigan, Nevada, Ohio, Pennsylvania, South Dakota, and New Mexico, plus the District of Columbia. Members of Congress representing those states are lobbying for an extension of the deadline.

APPENDIX I

The ruling, moreover, provides a window into the high court's view of the relationship between the two other branches. It affirms the very first word of the first sentence of the first section of the first article of the Constitution, where the framers wrote: "All legislative powers herein granted shall be vested in a Congress of the United States . . . "

The courts struck down the measure by citing a clause deeper in the Constitution, where the framers stipulated that "every bill" that passed the House and senate shall "be presented" to the president, who can sign it into law or return it to Congress if he objects. The court found that the line-item veto violated this "Presentment Clause," and the historical record provides "abundant support" for the notion that there should be no deviation from the process.

"If there is to be a new procedure in which the president will play a different role in determining the text of what may 'become a law,' such change must come not by legislation but through the amendment procedures set forth in Article V of the Constitution," Stevens wrote. He was joined by Chief Justice William H. Rehnquist and Justices Anthony M. Kennedy, David H. Souter, Clarence Thomas and Ruth Bader Ginsburg. Dissenting were Justices Antonin Scalia, Sandra Day O'Connor, and Stephen G. Breyer.

Scalia, writing for the minority, argued that the intent of the line-item veto law had been misread by the majority. "The title . . . designed to simplify . . . or perhaps

merely comply with the terms of a campaign pledge, has succeeded in faking out the Supreme Court," he said.

The line-item veto struck down yesterday allowed a president to sign a statute into law, but then, within five days, cancel certain items in the legislation. Congress could in turn reinstate the item by passing a separate bill, which it did in 38 of the instances in which Clinton exercised the power.

The court, however, found that the Presentment Clause was crafted in a deliberate fashion. Constitutional scholars believe the framers intended both houses of Congress and the president to approve any law, a slow process that nonetheless frustrates factional interests.

The court's ruling in effect establishes, or restores, a fire wall between the law-making function of Congress and the final approval function of the president. "This legislative process was deemed so fundamental to our freedoms that the court didn't want to allow an exception, even for what might be deemed a lovable purpose like cutting federal spending," said David Schoenbrod, a professor at the New York Law School.

Congress, in adopting the legislation, tried to get around the Presentment Clause by saying the president actually signed bills into law and then, separately, went back and canceled specific budget and tax items.

"That's a highly formalistic approach, and the court saw through it," said Kate Stith-Cabranes, a Yale

[SUPREME COURT RULING 6-24-98 ON CLINTON'S LINE ITEM VETO WHICH ALSO APPLIES TO THIS CASE.]

APPENDIX J

With her own spreadsheet, wife clears man of 'deadbeat dad' label

[PROVES AGAIN THIS IS A FEDERAL LAW AND NO STATE HAS JURISDICTION TO TRY IN ANY STATE COURT.]

ASSOCIATED PRESS

RED HOUSE, W.Va. – The state's $20 million computer program said Danny Woodall owed $6,000 in back child support. Lisa Woodall's homemade spreadsheet proved that the state actually owed her husband money.

She had watched through seven years and six lawyers as her husband was repeatedly hauled into court as a "deadbeat dad." She knew he was making payments to his ex because, as a second wife, it was affecting her and her two children.

"There were times when we couldn't even put food on the table," she said.

Finally, Lisa Woodall, a former bookkeeper, went on the offensive.

The software she developed debunked OSCAR, the state's Online Support Collections and Receipts system. It was so successful in her husband's case that their lawyer suggested she become an expert witness in other cases. Last year she started a company called Support Scrutiny.

"I've heard . . . the state hates me," the 31-year-old said. "I take that as a compliment."

More than $15 billion in support was ordered and almost half went unpaid in the United States in 1995, according to the latest figures available from the federal Office of Child Support Enforcement. More than 6 million one-parent families are due support.

As with anything that size, there are bound to be errors. But noncustodial parents complain the problem is not just honest mistakes by agencies. It's an attitude.

"Their philosophy is garnish first and ask questions later," said Dr. Ned Holstein, a Boston physician and president of Fathers and Families. "They are provided with powers that go way, way beyond anything that a normal bill-collection agency would have the power to do. The problem is that their records are routinely incorrect."

[A 1988 federal law required states to computerize their collection programs by October 1995. The deadline was extended two years, but 16 states still had not complied.] Even states that are computerized have big problems, observers say.

Such conditions offered an opportunity for Lisa Woodall.

Her husband Danny, 49, was paying up to $600 a month in support after his separation in 1989. He worked through bankruptcy and continued making payments. But he said his daughter and two sons stopped talking with him after years of being told he was a deadbeat.

Lisa Woodall gathered her husband's handwritten receipts, canceled checks, and money orders. She plugged the numbers into a homemade spreadsheet on the home

computer and checked them against printouts from OSCAR.

Even small discrepancies caught her eye. She points to one line where the state rounded a figure up 10 cents. In other cases, the state calculated interest charges from the wrong date, overlooked changes in court orders, or simply missed payments made.

She finds "little things that can turn into big things," said Charles Webb, the Woodalls' attorney.

Last June, a legislative audit found that almost one-third of the West Virginia Child Support Enforcement Division's files contained incorrect data. Those errors led the agency to wrongly collect about $1.7 million from 3,788 parents during the 1995-96 fiscal year, auditors say.

"I will admit we have human error," said Ann Garcelon, an agency spokeswoman. "That's one thing that we have not been able to get around, because our office is still staffed by humans."